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9 Attorney for Defendant
10 FAUSTO CRUZ-OCHOA

11 UNITED STATES DISTRICT COURT

12 DISTRICT OF NEVADA

13 THE UNITED STATES OF AMERICA,)
14) 2:16-CR-030-JAD-CWH
15 Plaintiff,) (First Request)
16 vs.)
17 FAUSTO CRUZ-OCHOA,)
18)
19 Defendant.)
20 _____
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22 Certification: This Stipulation and Order is being timely filed.

23 **STIPULATION AND ORDER TO CONTINUE DEADLINE TO**
24 **FILE OBJECTIONS TO THE PRESENTENCE INVESTIGATION REPORT**
25 **AND CONTINUE SENTENCING**

26 IT IS HEREBY STIPULATED AND AGREED by and between LANCE A.
27 MANINGO, ESQ., counsel for the defendant FAUSTO CRUZ-OCHOA, and SUSAN
28 CUSHMAN, Assistant United States Attorney, that the time to file Presentence Investigation
Report Objections previously due on October 19, 2016, at 5:00 p.m. be elapsed and reset to a
time convenient to the court, but no earlier than ten (10) days from today's date. More, that
sentencing date currently scheduled for November 14, 2016 at 9:00 a.m., be vacated and
continued to a date and time convenient for this Court; however, in no event earlier than thirty
(30) days from the present date of sentencing.

This Stipulation is entered into for the following reasons:

1. That counsel received the Presentence Investigation Report on October 5,
2. 2016, and it was immediately forwarded to an interpreter to be translated into
3. Spanish. Defendant is fluent in Spanish only;
4. 2. That counsel needs additional time to prepare objections to the Presentence
5. Investigation Report and communicate with Defendant;
6. 3. That the AUSA Susan Cushman is agreeable to the continuance;
7. 4. That counsel has spoken to his client, FAUSTO CRUZ-OCHOA, who is in
8. custody, and he has no objection to the continuance;
9. 5. That denial of this request for continuance would deny the defendant,
10. FAUSTO CRUZ-OCHOA, sufficient time within which to effectively
11. make objections to his PSR, if any, and thoroughly prepare for sentencing,
12. taking into account the exercise of due diligence; and
13. 6. That denial of this request for a continuance could result in a miscarriage of
14. justice.

RESPECTFULLY SUBMITTED this 19th day of October, 2016.

Bellon & Maningo, Ltd

United States of Attorney

/s/ Lance Maningo

By:

LANCE A. MANINGO, ESQ.
Attorney for Defendant
FAUSTO CRUZ-OCHOA

/s/ Susan Cushman

By:

SUSAN CUSHMAN, AUSA
Attorney for Plaintiff

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UNITED STATES DISTRICT COURT

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DISTRICT OF NEVADA

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THE UNITED STATES OF AMERICA,

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Plaintiff

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REFERENCES

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Defendant

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FINDINGS OF FACTS

Based upon the pending Stipulation of the parties, and good cause appearing therefore,

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the Court finds that:

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1. The parties have stipulated to continue the deadline to file objections to the Presentence Investigation Report and continue sentencing;
 2. That counsel received the Presentence Investigation Report on October 5, 2016, and it was immediately forwarded to an interpreter to be translated into Spanish. Defendant is fluent in Spanish only;
 3. That counsel needs additional time to prepare objections to the Presentence Investigation Report and communicate with Defendant;
 4. That the AUSA Susan Cushman is agreeable to the continuance;
 5. That counsel has spoken to his client, FAUSTO CRUZ-OCHOA, who is in custody, and he has no objection to the continuance;
 6. That denial of this request for continuance would deny the defendant, FAUSTO CRUZ-OCHOA, sufficient time within which to effectively

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1 make objections to his PSR and thoroughly prepare for sentencing, taking
2 into account the exercise of due diligence;

3
4 7. That denial of this request for a continuance could result in a miscarriage of
5 justice

6 **CONCLUSIONS OF LAW**

7 The ends of justice served by granting said continuance outweigh the best interests
8 of the public and the defendant, since the failure to grant said continuance would be likely to
9 result in a miscarriage of justice.

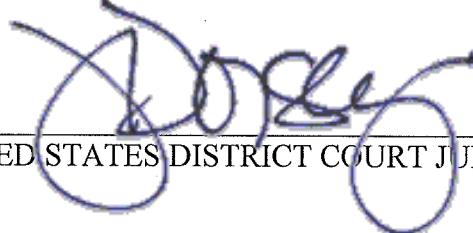
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11 **ORDER**

12 IT IS THEREFORE ORDERED that the deadline to file objections to the
13 Presentence Investigation Report, previously set for October 19, 2016 is elapsed and
14 continued to November 16, 2016.

15 IT IS FURTHER ORDERED that the that sentencing in this matter currently scheduled
16 for November 14, 2016 at 9:00 a.m. be vacated and continued to December 19, 2016 at
17 2:30 p.m.

18 DATED this 21st day of October, 2016.

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21 UNITED STATES DISTRICT COURT JUDGE
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23 Respectfully submitted by:

24 _____ /s/ Lance Maningo
25 BELLON & MANINGO, LTD.
26 LANCE A. MANINGO, ESQ.
27 Nevada Bar No.: 006405
28 732 S. Sixth Street, Suite 102
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Attorney for Defendant
FAUSTO CRUZ-OCHOA